

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID LEE SMITH,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:03CV907 HEA
)	
DON ROPER,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on petitioner's Petition for Writ of Habeas Corpus, [Doc. No. 4]. The Court referred this matter to United States Magistrate Judge Terry I. Adelman for a Report and Recommendation pursuant to 28 U.S.C. § 636(b).

On October 20, 2005, Judge Adelman filed his recommendation that the petition be dismissed. No objections to the report and recommendation have been filed within the prescribed time period.

The Court has considered Judge Adelman's reasoning for his recommendation, and agrees with Judge Adelman's conclusions.

Accordingly,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus

[Doc. No. 4], is dismissed without further proceedings

Dated this 7th day of November, 2005.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE